

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DIJON TOWNSEND,

Plaintiff,

v.

MARCUS MANAGEMENT, *et al.*,

Defendants.

Case No. 24-cv-12581  
Honorable Shalina D. Kumar  
Magistrate Judge Elizabeth A. Stafford

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**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL AND FOR AN  
AWARD OF DAMAGES (ECF NO. 22)**

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Plaintiff Dijon Townsend, proceeding pro se, moves to compel Defendants Marcus Management and Concord Cooperative, Inc., to produce documents. ECF No. 22. For the reasons discussed in the Court's February 10, 2015 order denying two of Townsend's earlier discovery motions, his motion to compel is **DENIED** as premature. See ECF No. 23.

Townsend also moves for nominal, compensatory, and punitive damages. ECF No. 22, PageID.188. This motion is likewise premature. The only type of preliminary relief available is injunctive relief. See *Unite Here Health v. Parball Corp.*, No. 2:13-cv-00802, 2013 WL 3155344, at \*4

(D. Nev. June 19, 2013) (“[O]rdering payment of the ultimate damages claim itself as preliminary relief would permit Rule 65 to circumvent the Seventh Amendment right to a jury trial in an impermissible way.”). After all, “[t]he purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). And “[i]f money damages can compensate the moving party, a preliminary injunction is not appropriate.” *Mount Clemens Inv. Grp., L.L.C. v. Borman’s Inc.*, No. 10-12679, 2010 WL 3998095, at \*1 (E.D. Mich. Oct. 12, 2010). Thus, the motion is **DENIED**, as an award of damages is inappropriate at this stage.

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: February 11, 2025

### **NOTICE TO PARTIES ABOUT OBJECTIONS**

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling**

**remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D. Mich. LR 72.2.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 11, 2025.

s/Davon Allen \_\_\_\_\_  
DAVON ALLEN  
Case Manager